

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

SEEPA LEAHONA SCHWENKE,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT'S
REQUEST FOR A DETENTION
HEARING

Case No. 2:08-CR-3 TS

Defendant was sentenced by the Court on May 27, 2008, to 37 months incarceration. Defendant is pregnant and expected to give birth sometime in the last two weeks of July. At the time of sentencing, Defendant requested that she be allowed to self-surrender so that she may give birth out of custody. The Court denied the request at the time, but permitted Defendant to investigate the matter further and submit an appropriate motion.

Defendant has now filed a Request for a Detention Hearing. Defendant requests that she be allowed to self-surrender so that she may be able to give birth while out of custody. Defendant indicates that all pending warrants have been recalled and that there are no known detainers. Defendant also indicates that Defendant's father is willing to allow her to reside with him at his residence while awaiting the birth of her child. Her father is also willing to pay for a

plane ticket once the BOP designates where Defendant will be incarcerated.

Defendant indicates that if allowed to self-surrender, she will be willing to report to probation and to submit to drug testing as ordered by the Court. Defendant indicates that the government does not oppose the request, so long as Defendant is subject to drug testing and federal supervision. Defendant also indicates that the probation office will prepare a report on Defendant's request if so ordered.

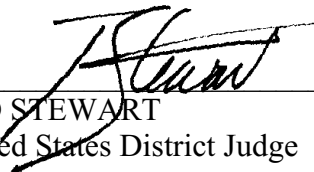
The Office of Probation and Pretrial Services has conducted a home visit and prepared a Detention Report. Because of the concerns raised in that Report and because of the concerns stated at Defendant's sentencing, the Court will deny Defendant's request for release.

It is therefore

ORDERED that Defendant's Request for a Detention Hearing (Docket No. 44) is DENIED. The hearing set for July 18, 2008 is STRICKEN.

DATED July 16, 2008.

BY THE COURT:



TED STEWART
United States District Judge